

# CITY OF ANGELS CITY COUNCIL MINUTES

**Tuesday, January 4, 2011**

Council Members Present: Jack Lynch (Mayor), Jack Boeding (Vice Mayor), Elaine Morris, Craig Turco and Stuart Raggio (Council Member Elect)

Absent: Rick Downey (Present at closed session via telecom)

Staff Present: Richard Matranga, David Richards, Melisa Ralston, David Hanham, Todd Fordahl and Mary Kelly

## **5:00 P.M. CALL TO ORDER**

### **ADJOURN TO CLOSED SESSION**

- A. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO California Government Code Section 54957.6: Police MOU, City Employee representatives – Council Member Turco and Mayor Lynch
- B. PURSUANT TO CALIFORNIA CODE SECTION 54957 Public Employee Appointment: City Administrator

## **6:00 P.M. RECONVENE TO REGULAR CITY COUNCIL MEETING**

### **ACTION TAKEN IN CLOSED SESSION**

- A. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO California Government Code Section 54957.6: Police MOU, City Employee representatives – Council Member Turco and Mayor Lynch  
Action: Direction given to negotiators – Council Member Turco and Mayor Lynch
- B. PURSUANT TO CALIFORNIA CODE SECTION 54957 Public Employee Appointment: City Administrator  
Action: Direction given to City Attorney

### **APPROVAL OF AGENDA**

Agenda was approved by consensus

### **STAFF UPDATES**

**Dave Hanham** – Planning Director

- Updated report included in the packet.

**Todd Fordahl** – Interim Police Chief

- Updated report included in the packet.

**Melisa Ralston** – Finance Officer

- Moving forward with finance software – on schedule
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**Dave Richards** – Interim City Administrator

- Very pleased to be back with the City and thanked all for patience and understanding during his recovery

**Mary Kelly** – City Clerk

- Reported John Broeder, Chair of the Traffic Circulation Committee has resigned effective December 31, 2010. She will be advertising vacancy.

**COUNCIL UPDATES**

**Council Member Boeding**

- Attended Personnel/Finance where there was discussion of the Visitor's Center.

**Council Member Turco**

- Attended Safety Services – discussion on Mark Twain School parking complaint. Interim Chief Fordahl is working with the school to resolve the problem; also reviewed 2 fire department ordinances regarding burning that will be coming to a future Council meeting.
- Attended Personnel/Finance – discussed water issue with the cemetery district. Also had discussion of the Visitor's Bureau and the TOT monies.

**Direction: Negotiation letters received from Visitor's Bureau to be posted on City website.**

**Council Member Morris**

- Attended Safety Services and Traffic Circulation where off street parking was discussed.

**Mayor Lynch**

- Reflected on his first term as Council member and last two years as Mayor. He is looking forward to serving another 4-year term.

**PUBLIC COMMENTS**

**Jennifer Eldringham** – Angels Camp Resident

- Spoke in favor of the hotel project in the historic district and hoped that parking issues would not get in the way of the development.

**George Fry** – 1304 Oak Place

- Read a letter commenting on the quality of work of the City Council.

**CONSENT AGENDA**

**MOTION** by Council Member Morris, seconded by Council Member Turco and carried 4-0 ADOPTING THE CONSENT AGENDA AS PRESENTED:

- a. Minutes of Regular meeting –December 21, 2010
- b. Adopt Resolution No. 11-01 Acceptance of Downtown Parking Lot Resurfacing Project

**REGULAR MEETING**

1. **OATH OF OFFICE** - Mary Kelly, City Clerk  
The City Clerk administered the Oath of Office to Jack Lynch and Stuart Raggio

**RECESS**

**RECONVENED**

New City Council Members seated

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2. **ELECTION OF MAYOR**

The City Attorney asked for nominations to appoint Mayor

**MOTION** by Council Member Morris, seconded by Council Member Raggio and carried 4-1 with Council Member Turco voting 'NO' ELECTING JACK BOEDING AS MAYOR

## **Mayor Boeding continued the meeting**

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### **3. ELECTION OF VICE MAYOR**

**MOTION** by Council Member Turco, seconded by Council Member Raggio and carried 5-0 ELECTING JACK LYNCH AS VICE MAYOR

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### **4. PUBLIC HEARING: ADOPT ORDINANCE #448**

Planning Director Dave Hanham reviewed the background of the large format retail store ordinance. He explained that after several reviews by Council and a reconsideration of a negative vote, the main change made to this ordinance was the square footage changing from 80,000 to 45,000.

7:05 p.m. Open Public Hearing

#### **Jennifer Eldringham – Angels Camp Resident**

- Spoke in support of large retail stores. She said there was a loss of sales tax to neighboring counties and Angels Camp needs to meet the needs of the residents.
- She did not support lowering the square footage to 45,000.

#### **George Fry – 1304 Oak Place**

- Spoke in support of an 80,000 square footage building.
- Suggested the verbiage ‘Big Box’ not be referred to when speaking of large retail format stores as this brings about a negative image.

#### **Roger Neuman – Angels Camp Resident**

- Asked if there were any pending applications for large retail.  
Dave Hanham informed him there were not.
- Asked if there were any locations within the City large enough to accommodate a large retail store.  
Dave Hanham mentioned several areas.
- Asked if there was infrastructure available for a project this size  
Dave Hanham said it depended on where the site was located.
- Stated that Angels Camp could be a major center in the County due to State Routes 4/49.
- Spoke in favor of 80,000 square foot building

#### **Jack Johnson – 788 Tuolumne**

- Spoke in favor of large retail format and 80,000 square foot building

#### **Steve Fairchild – Vallecito Road, Angels Camp**

- Spoke in favor of large retail format and 80,000 square foot building.

7:30 p.m. Closed Public Hearing

Council Member Morris stated that after hearing the voices of support she would be in favor of the square footage being increased to 65,000 – 85,000. She also said the City needs an economic development plan for growth.

Council Member Turco said that something needs to go on the City books. He supports a 45,000 square foot building because once you go big, you cannot go smaller. If a developer wanted a larger store, this change can be made through the Planning Commission and City Council.

Council Member Raggio agreed with 80,000 square feet. He felt that contractors may not come to the City if they saw an ordinance limiting the size to 45,000. He also said it would improve the quality of life for the residents.

Council Member Lynch stated that the main reason for the large format retail ordinance was to give the City protection. 45,000 square feet does not preclude someone from coming forward with a proposal for bigger square footage. The 45,000 square foot number was meant as a check point.

Mayor Boeding stated that he is in favor of 80,000 square foot.

**MOTION** by Council Member Lynch, seconded by Council Member Turco to ADOPT ORDINANCE NO. 448 – AN ORDINANCE AMENDING TITLE 17, ZONING; CHAPTER 17.30 SUBURBAN COMMERCIAL ZONE DISTRICT OF THE CITY OF ANGELS MUNICIPAL CODE.

Roll Call: Morris {No}, Turco {Yes}, Lynch {Yes}, Raggio {No}, Boeding {No}

Vote: 2 in favor, 3 against

Motion died due to lack of majority

Council Member Morris asked that the motion be amended to show a change in square footage from 45,000 to 80,000. The City Attorney advised that because the ordinance is being changed, another public hearing would need to be held. The process for bringing an ordinance to the Council would need to start from the beginning, i.e. waive reading, notice in newspaper and bring back for the public hearing.

**Direction: Ordinance to be brought back to January 18<sup>th</sup> Council**

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5. **RESOLUTION APPROVING THE REVISED CALAVERAS COUNCIL OF GOVERNMENTS JOINT POWERS AGREEMENT**

The Planning Director reviewed the changes requested by City at the December 21<sup>st</sup> meeting. The main change made was to the audit due date, changing from 180 days to 90 days. Council Member Turco stated he still has concerns of the CCOG appointing 3 public members. He feels only one is needed. Council Members Lynch, Boeding and Morris had no issues with having 3 public members on the CCOG board.

**George Fry** – 1304 Oak Place

Stated he has been an alternate on the CCOG board. The Problem with 1 member is there is too much pressure put on that person. He favored 3 public members.

**Jack Johnson** – Angels Camp Resident

Explained that he had been on the CCOG board when it was a Local Transportation Commission (LTC). There were three County Supervisors and 3 City Council members on the LTC and there was some animosity at that time. The County did not think the City should have 50% of the vote on the LTC because the City only made up 8% of the County population. When the CCOG was formed, the 3-person at-large was designed to make things equal. There is too much pressure on one public member.

**Tom Garcia** – County Public Works Director

Tom explained that the Board of Supervisors will be reviewing the amended JPA at the January 11<sup>th</sup> meeting. There were three issues the county and city needed to agree on:

1. The manner of exercising power needs to be specified. The County and City agree that either agency can be specified.
2. The County and City both agree with appointment of 3 public members – this is not an issue to either agency.
3. Although the City has revised the JPA, the county is recommending 180 days remain for Annual Audits and Final Audit Reports as due to the State Controller. He reported the independent auditors for the CCOG and the County auditor have stated it is impossible to complete the audit in 90 days.

Council Member Lynch said he is not in favor with a 180 day audit. He has seen problems in the past when the CCOG board was informed at year end that the transit ratio was in compliance with the State but after the audit was complete, which took 7 months, the numbers had changed and the transit ratio was not in compliance.

**Melissa Raggio – CCOG**

Agreed with Tom Garcia, stating that receiving needed audit documentation from the County and other agencies and preparing the audit would take longer than 90 days.

Finance Officer Melisa Ralston reported that the City's independent auditors also could not prepare the City audit in a 90 day timeframe.

MOTION by Council Member Lynch to ADOPT RESOLUTION 11-02. A RESOLUTION APPROVING THE AMENDED COUNCIL OF GOVERNMENTS JOINT POWERS AGREEMENT (AS WRITTEN) Motion died for lack of second.

MOTION by Council Member Morris, seconded by Council Member Boeding ADOPTING RESOLUTION NO. 11-02. A RESOLUTION APPROVING THE AMENDED COUNCIL OF GOVERNMENTS JOINT POWERS AGREEMENT with the following changes:

- CHANGING AUDIT REPORT DUE DATE FROM 90 DAYS TO 180 DAYS
- AMEND VERBIAGE ON PAGE 11 REGARDING MANNER OF EXERCISING POWER

Roll Call: Morris {Yes}, Turco {No}, Lynch {No}, Raggio {Abstain}, Boeding {Yes}

Vote: 2 in favor, 2 against, 1 abstain

Motion died due to lack of majority

The City Attorney said after the vote that he would research whether Council Member Raggio will be required by law to abstain from future votes pertaining to CCOG because his wife, Melissa, works as an administrative analyst for the CCOG.

Council Member Morris voiced concerns that with the City not approving an amended JPA, the CCOG would revert back to an LTC.

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6. **MARIPOSA COUNTY MEMBERSHIP IN CENTRAL SIERRA PLANNING COUNCIL**

Based on the City Attorney's review, the Council was advised they could reconsider this matter if there was significant information to reconsider. The Council heard additional information at the December 21<sup>st</sup> meeting from the Executive Director of the Central Sierra Planning Council (CSPS) and Central Sierra Economic Development District (CSEDD) and the Council felt with the additional information received, this item should be reconsidered.

MOTION by Council Member Lynch, seconded by Council Member Morris and carried 5-0 APPROVING THE RECONSIDERATION OF THE REQUEST FOR MEMBERSHIP OF MARIPOSA COUNTY INTO THE CSPC AND CSEDD

MOTION by Council Member Morris, seconded by Council Member Lynch and carried 5-0, APPROVING THE REQUEST FOR MEMBERSHIP OF THE COUNTY OF MARIPOSA IN THE CENTRAL SIERRA PLANNING COUNCIL AND CENTRAL SIERRA ECONOMIC DEVELOPMENT DISTRICT

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7. **FUNDING OPTIONS FOR RELINQUISHMENT MONIES**

Planning Director Hanham reported that the California Transportation Commission (CTC) will not be hearing this item until agendized in March. He suggested priorities still be set as to where these monies should go when the City receives them.

Council Member Turco suggested the funds be put in the street and road fund and use for projects as they come up. A unique fund would be created by the Finance Officer.

MOTION by Council Member Lynch, seconded by Council Member Morris and carried 5-0  
DIRECTING STAFF TO AGENDIZE THE RELINQUISHMENT FUND ITEM FOR THE  
PERSONNEL/FINANCE MEETING FOR FEBRUARY.

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**CALENDAR**

**ADJOURN**

Meeting was adjourned at 8:45 PM.

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Jack Boeding  
Mayor

ATTEST:

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Mary Kelly  
City Clerk